

REMARKS/ARGUMENTS

Claims 1-17 are pending in this application with claims 1 and 10 being amended by this response. Claims 1 and 10 have been amended to clarify that the plurality of touch selectable buttons and associated labels are **etched** within the pre-etched touch screen area. Support for this amendment can be found throughout the specification and more specifically on page 2, lines 13-15, page 6, lines 16-21 and page 6, lines 29-30. Thus, it is respectfully submitted that no new matter has been added by these amendments.

Rejection of Claims 1-3, 5-6, 9-12, 14-15 under 35 USC § 103(a)

Claims 1-3, 5-6, 9-12, 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dunaway (U.S. Patent No. 5,450,079).

The present claimed invention provides a remote control including a housing, a controller and a display supported by the housing. The display is coupled to the controller for communication. The display is further divided into a pre-etched touch screen area defining a plurality of touch selectable buttons and associated labels, where each of the plurality of touch selectable buttons and associated labels are etched within the pre-etched touch screen area, and a programmable message area operative to display user selected alphabetic characters. A memory is coupled to the controller for communication. The memory contains program instructions that allow a user to define a custom label for one of a plurality of selectable buttons that is displayed in the message area when the selected one of the plurality of buttons is actuated. Similar features to those discussed above are included in both independent claims 1 and 10 and thus all arguments presented herein apply to each of these claims.

Dunaway describes a multimodal control device having electrically alterable keypad designations which may be used for selecting designated functions in a plurality of multimedia processing units. Multiple user selectable keypads are provided for

initiating transmission of control signals utilizing a wireless transmission system. An electrically alterable graphic designation is provided in association with each user selectable keypad so that a function associated with each particular keypad for a given multimedia process unit may be visually determined. The electrically alterable graphic designation is then varied in response to selection of an alternate mode of operation wherein the functions associated with each user selectable keypad for an alternate multimedia processing unit may be displayed.

The Office Action contends that Dunaway discloses a remote control comprising a housing, a controller supported by the housing and a display supported by the housing and coupled to the controller for communication therewith. The Office Action further contends that Dunaway discloses that the display is divided into a pre-etched touch screen area defining a plurality of touch selectable buttons and associated labels (where each of the plurality of touch selectable buttons and associated labels are etched within the pre-etched touch screen area). Applicant respectfully disagrees.

In the present claimed invention “[t]he buttons 60 are pre-etched on the LCD rather than made up of individual pixels or a dot matrix. Thus, the outline of a button is etched on the LCD. This reduces the cost of the button area 50. As such, each button 60 may be individually turned on and off. A particular mode of operation (e.g. TV, VCR, DVD) may have some of the buttons 60 on while some of the buttons 60 may be off. Button 60a is representative of a button being on, while button 60b is representative of a button being off. In a given mode of the remote 10, one or more buttons may be off (not visible and/or not usable) while one or more buttons may be on. In a default state of the remote 10, some buttons are turned on while others are turned off so they don’t appear at all.” (See page 6, lines 17-26 of the specification)

Fig. 2A of Dunaway, as cited in the Office Action, contains “a plurality of user selectable keypads 24, 26, 28, 30, 32, 34, 36, 38, 40, and 42” (Col. 3, lines 2-4). While Dunaway describes a plurality of user selectable keypads (24-42, Fig. 2A) that include associated graphic designations which identify a particular function of a multimedia processing unit, the keypad described in Dunaway is not the same as the pre-etched

touch screen area that defines a plurality of touch selectable buttons and associated labels where each of the plurality of touch selectable buttons and associated labels are etched within the pre-etched touch screen area as in the present claimed invention. In the present claimed invention, “[e]ach label is, like buttons, pre-etched on the LCD rather than made up of individual pixels or a dot matrix” (see page 6, lines 29-30). To the contrary, in Dunaway, the “user selectable keypad 24-42 may be provided utilizing a plurality of mechanical switches with each textual and/or graphic designation being provided in an adjacent portion of graphic display 22 (see Fig. 2b) or, in the embodiment depicted within Fig. 2a, each user selected keypad 24-42 may be provided by utilizing a touch overlay which is disposed in an overlying relationship with graphic display 22” (Col. 3, lines 39-47). The plurality of mechanical switches and touch graphic overlays of Dunaway are not equivalent to the buttons and associated labels that are etched within the pre-etched touch screen area of the present claimed invention. Thus, as the buttons (and labels) described in Dunaway are not etched, as in the present invention, Dunaway neither discloses nor suggests a “display divided into a pre-etched touch screen area defining a plurality of touch selectable buttons and associated labels, each of said plurality of touch selectable buttons and associated labels being etched within said pre-etched touch screen area” as recited in claims 1 and 10 of the present invention.

In the Response to Arguments section, the Office Action states that Figs. 1 and 2A of Dunaway show that “the touch screen area is positioned within the housing 20 and surrounded by the top surface of the housing. Thus, the top surface of the housing is higher tha[n] the touch screen area 22 and the edge between the housing and the touch screen area is pre-etched.” However, Applicant respectfully submits that nowhere in Dunaway is there mention or suggestion of each button and associated label being “etched within ... [the] pre-etched touch screen area” as in the present claimed invention. As described above, in Dunaway, the keypad “may be provided utilizing a plurality of mechanical switches with each textual and/or graphic designation being provided in an adjacent portion of the graphic display ... or, in the embodiment depicted ... each user selectable keypad ... may be provided by utilizing a touch overlay ... disposed in an overlying relationship with graphic display 22” (Col. 3, lines

40-47). Thus, the keypad in Dunaway which may be a plurality of mechanical switches or touch overlay, is wholly unlike the present claimed invention which recites a “display divided into a pre-etched touch screen area defining a plurality of touch selectable buttons and associated labels, each of said plurality of touch selectable buttons and associated labels being etched within said pre-etched touch screen area.” Therefore, Dunaway neither discloses nor suggests the features claimed in claims 1 and 10 of the present invention.

Furthermore, the objective of the present claimed invention is to provide “a remote control that provides a cost effective manner of providing custom key labeling or naming” (page 2, specification). Having etched touch selectable buttons and associated labels in a pre-etched touch screen area provides a low-cost universal remote control. This is shown in the specification on page 6, lines 29-31 which states “[e]ach label is, like the buttons, pre-etched on the LCD rather than made up of individual pixels or a dot matrix. This, in conjunction with the pre-etched buttons, reduces the cost of the button area 50.” Thus, the cost of the button area is reduced while maintaining the full functionality of a universal remote control. Dunaway, on the other hand, “provid[es] an electrically alterable keypad designation which illustrates visually the particular function which may be selected by operation of an associated keypad” (Col. 3, lines 56-59). Thus, Dunaway is not concerned with providing a low cost remote control which reduces the cost of the button area by providing touch selectable buttons and associated labels that are etched as in the present claimed invention. As seen in Fig. 2A through 2C, Dunaway contains names for buttons which are altered for each selected device. Therefore, the objective of Dunaway is wholly unlike the present claimed invention which provides a cost-efficient manner for providing custom key labeling and thus, Dunaway does not disclose or suggest the features claimed in claims 1 and 10 of the present invention.

In view of the above remarks it is respectfully submitted that there is no 35 USC 112 compliant enabling disclosure in Dunaway that makes the present invention as claimed in claims 1 and 10 unpatentable. As claims 2, 3, 5, 6, 9, 11, 12, 14 and 15 are dependant on independent claims 1 and 10, it is respectfully submitted that these claims

are also patentable for the same reasons discussed above with respect to claims 1 and 10. Thus, it is further respectfully submitted that this rejection is satisfied and should be withdrawn.

Rejection of Claims 4, 7-8, 13 under 35 USC § 103(a)

Claims 4, 7-8, 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dunaway (U.S. Patent No. 5,450,079) as applied to claims 1-3, 5-6, 9-12, 14-15 above, and in further in view of Sampsell (U.S. Patent No. 6,496,122).

Sampsell describes an image display and remote control system capable of displaying two distinct images simultaneously. One image is shown on an image display device such as a television or computer monitor. The other image is shown on a remote control included in an image display system. The remote control has a learning mode with on-screen feedback making the image display system backward and forward compatible with a wide array of image display devices.

The Office Action states that Dunaway does not specifically disclose that a custom label is defined during a learning mode of the remote. However, the Office Action contends that Sampsell describes a remote control device similar to Dunaway and includes a learning mode such that the user can select the command to be learned in an order desired by the user. While Sampsell does provide a learning mode for a remote control device, Sampsell, similarly to Dunaway, neither discloses nor suggests a “display divided into a pre-etched touch screen area defining a plurality of touch selectable buttons and associated labels, each of said plurality of touch selectable buttons and associated labels being etched within said pre-etched touch screen area” as recited in claims 1 and 10 of the present invention. As described above, the buttons and associated labels are etched on the LCD rather than made up of individual pixels or a dot matrix. This etching reduces the cost of the button area and each button may be individually turned on and off. A particular mode of operation (e.g. TV, VCR, DVD) may have some of the buttons on while some of the buttons may be off. In a default

state of the remote 10, some buttons are turned on while others are turned off so they do not appear at all. To the contrary, Sampsell describes a “keypad 174 displayed in FIG. 3 [that] is in a soft-key arrangement with buttons corresponding to selections displayed on the image screen” (Col. 10, lines 11-13).

Furthermore, the combination of the system of Dunaway with the system of Sampsell, as suggested in the Office Action, would not be equivalent to the present claimed invention. The combination would result in a multimodal remote control device having electrically alterable keypad designations that provides an image display on the remote control unit. The keypad would contain soft-key manual buttons or a touch screen overlay. However, the combination would neither disclose nor suggest a plurality of buttons and associated labels that are etched within the pre-etched touch screen area as in the present claimed invention. Therefore, the combination of Dunaway with Sampsell neither discloses nor suggests a “display divided into a pre-etched touch screen area defining a plurality of touch selectable buttons and associated labels, each of said plurality of touch selectable buttons and associated labels being etched within said pre-etched touch screen area” as recited in claims 1 and 10 of the present invention. As claims 4, 7-8 13 and 16-17 all contain the above feature and are all dependent on claims 1 and 10, it is respectfully submitted that these claims are also patentable for the same reasons discussed above with respect to claims 1 and 10.

In view of the above remarks it is respectfully submitted that there is no 35 USC 112 compliant enabling disclosure in Dunaway in view of Sampsell that makes the present claim invention unpatentable. Thus, it is further respectfully submitted that this rejection is satisfied and should be withdrawn.

Having fully addressed the Examiner's rejections, it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the applicant's attorney at the phone number below, so that a mutually convenient date and time for a telephonic interview may be scheduled.

Serial No. 10/687,042

Attorney Docket No. PU020446

No fee is believed due. However, if a fee is due, please charge the additional fee to Deposit Account 07-0832.

Respectfully submitted,
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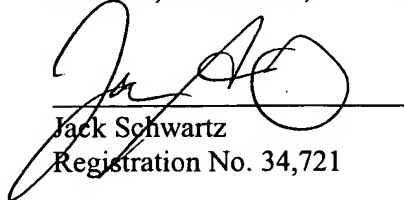
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